

**IN THE UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO
TOLEDO DIVISION**

In Re:

BRUCE C. AMORY

Debtor(s)

CASE NO. 19-31037-jpg

Chapter 13

Judge John P. Gustafson

OBJECTION TO CHAPTER 13 PLAN

Creditor, Penny Mac Loan Services, LLC (“Creditor”), by and through counsel, hereby objects to the proposed Chapter 13 Plan filed by the Debtor. This Objection is hereby supported by the following Memorandum.

Respectfully Submitted

/s/ Steven H Patterson

Steven H. Patterson (0073452)

Attorney for Creditor

Reisenfeld & Associates LLC

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MEMORANDUM

Creditor holds a Mortgage on the real estate located at 55 Crestview Dr, Tiffin, OH 44883. Creditor has not yet filed a Proof of Claim, however anticipates doing so listing an estimated arrearage of \$6,743.28 and estimated balance of \$108,351.83. Debtor's Plan does not list an arrearage amount owed. Under 11 U.S.C. 1322(b)(5) debtor is to provide for the curing of any default on any secured claim where the last payment is due after the date on which the final payment under the plan is due. As the last payment on the mortgage claim is due after the date on which the final payment under the plan is due, the pre-petition arrears should be treated in the plan. Also, mortgage is being improperly treated in the plan, mortgage is listed in section 3.1, not 3.3.

The Chapter 13 Plan as proposed herein does not adequately protect the Creditors' interest in said real estate.

WHEREFORE, Creditor requests that confirmation be denied.

/s/ Steven H Patterson

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CERTIFICATE OF SERVICE

I certify that on May 8 , 2019, a true and correct copy of the Objection to Plan was served:

Via the court's Electronic Case Filing System on these entities and individuals who are listed on the court's Electronic Mail Notice List:

John F. Kostyo, Debtor`s Counsel
jfk@kostyolaw.com

Elizabeth A. Vaughan, Bankruptcy Trustee
13ECFNotices@chapter13toledo.com

U.S. Trustee
ustpreion09.cl.ecf@usdoj.gov

And by regular U.S. Mail, postage prepaid on:

Bruce C. Amory, Debtor
55 Crestview Drive
Tiffin, OH 44883

/s/ Steven H Patterson

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